S.B. CIVIL WRIT PETITION NO. 468/2005

RAJ.GRAM PANCHAYAT CLASS IV EMPLOYEES UNION
VS.
STATE & OTHERS.

DATE OF ORDER : 17.07.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Ashok Tiwari for the petitioner/s.

The petitioner – a registered Trade Union has preferred this petition for writ claiming the regular salary and regularisation of services of Class IV employees working in various Gram Panchayats within the jurisdiction of Zila Parishad Jodhpur, Zila Parishad Barmer, Zila Parishad, Jalore and Zila Parishad, Sirohi. It is alleged that in various Gram Panchayats, Class IV employees are working on daily rate basis from last number of years, but the respondents Zila Parishads and Gram Panchayats are not considering their candidatures for the purpose of regularisation of service and for also grant of regular salary.

According to the counsel for the petitioner, the Class IV employees working in various Gram Panchayats are discharging the duties exactly similar to the regular selected Class IV employees.

Heard counsel for the petitioner.

The petitioner is seeking adjudication of the cause of Class IV employees working in various Gram Panchayats, appointed by different employer on different dates at different wages. Cause for the employees working in different Gram Panchayats can not be clubbed. Beside that the issue sought to be adjudicated requires settlement of factual questions, for that remedy under Article 226 is not an appropriate one. All the questions, which are required to be adjudicated in the instant petition for writ can be adjudicated more efficaciously, if the petitioner raises an Industrial Dispute for redressal of grievances of its members under Industrial Disputes Act, 1947. In view of it, the writ petition is dismissed as the petitioner is having an efficacious alternative remedy under Section 10 of the Industrial Disputes Act, 1947.

Looking to the fact that the controversy involved in this petition is pertaining to number of employees, the appropriate Government is directed to take decision with regard to the reference of the dispute to the concern Labour

Court- cum- Industrial Tribunal within a period of four weeks from the date the petitioner submits an application in this regard to the Commissioner, Department of Labour, Jaipur without proceeding for conciliation proceedings as provided under the Act of 1947.

(GOVIND MATHUR)J.

Anil/